

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/9/2022

United States of America : **CASE NO.: 22 Cr 234 (NSR)-01**
v. :
James Bazemore : **November 9, 2022**

**DEFENDANT BAZEMORE'S MOTION TO EXPEND FUNDS FOR THE
PURCHASE OF A LAPTOP COMPUTER FOR THE INCARCERATED
DEFENDANT'S USE**

This motion is respectfully submitted on behalf of defendant James Bazemore seeking an Order authorizing undersigned counsel to use CJA funds to purchase a laptop computer to permit the detained defendant to review the large amount of discovery in this case. Counsel represents that without the laptop computer, the defendant will be unable to review effectively the large amounts of Rule 16 discovery material, material which includes video recordings requiring several software programs, cell phone and cell site data and analysis reports and records. The undersigned makes this request for authorization based on the following:

1. Defense counsel appointed by the Court, are authorized to procure with CJA funds for services necessary for the adequate representation of their clients. *See* 18 U.S.C. 3006A(e)(1).
2. During the pendency of the above prosecution, the undersigned has received voluminous Rule 16 discovery and investigatory materials from the government. In large part, the Rule 16 material has been provided in electronic format either by

secure email from the government to the undersigned or by the undersigned providing the government with an external hard drive which is then loaded with discovery and returned to the defendant. Much of that discovery has also been provided to the defendant also in electronic format.

3. The defendant, who is currently detained at the Metropolitan Detention Center in Brooklyn, New York, does not have ready access to the above discovery which is maintained by correctional staff in the facility's law library. The defendant has access to the discovery material for a limited period each day and only by sharing the limited number of older computers that are maintained in the law library, many of which have difficulty in running the several software programs that are required to play audio and video recordings and download large computer files relating to cell phone and cell site data.
4. The undersigned has identified a laptop that has been approved by the government in other cases and the necessary software to run the computer and submits that the cost of the purchase of the above will not exceed \$1500.00.

WHEREFORE, the undersigned counsel respectfully requests that this Court issue an Order as follows:

1. Defense counsel, is authorized to procure with CJA funds, a laptop computer, required software to run the laptop's necessary programs, and any subsequent external hard drives and headphones that may be required to provide the defendant with access to the discovery (collectively, the "Electronic Device") for purposes of the discovery review. Counsel shall provide the electronic device to the government so as to confirm that the wireless and printing capabilities are

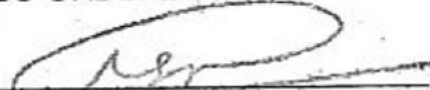
- disabled in a manner acceptable to the facility in which the given defendant is lodged. The government shall load on to the Electronic Device such software as the defendants will need to review and make notes on the discovery. The government shall set a password protected administrative account on the Electronic Device that is separate from the defendant's password protected user account to prevent any user from making changes to the Electronic Device.
2. Defense counsel shall provide the Electronic Device to the government clearly marked with the name and ID number and Marshal's registration number of the defendant who has been assigned to receive that particular Electronic Device.
 3. The Government shall save the discovery onto the Electronic Device as well as on subsequent external hard drives that may be required to provide the defendant with access to the discovery.
 4. The Government shall confirm that the discovery is viewable on the Electronic Device (for example, that the audio recordings and video play on the Electronic Device) prior to sending it to the facility where the inmate is housed.
 5. Within 30 days of receipt of the Electronic Device, the Government shall send the Electronic Device to an Officer designated by each facility to receive the electronic device. The designated Officer shall keep the Electronic Device and charging wire in their office.
 6. The Defendants can access the Electronic Device for review on a temporary basis and at times approved by prison personnel. This review must take place in the defendant's unit or a location where to the extent possible Defendant is not in the presence of any other inmates. Because of the volume of discovery, Defendant

- should be afforded the ability to review it for several hours each day to the extent consistent with the conduct of the facility in which the defendant is lodged.
7. The Defendant is prohibited from copying any information from the discovery.
 8. After he is finished reviewing the discovery for any given day, the Defendant shall return the Electronic Device to the designated Officer.
 9. The Defendant is strictly prohibited from printing, copying, sending, publishing, or transferring any of the discovery materials on the Electronic Device. It is the intent of this Order that only Defendant assigned to a particular Electronic Device (and his counsel and any other members of his legal defense team, including investigators, paralegals, and support staff, as needed to confer with the Defendant) will have access to the discovery materials on the Electronic Device.
 10. This Court will revisit this Order and the Defendant's access to the Electronic Device if it appears that any Defendant is not abiding by this Order.

IT IS FURTHER ORDERED that no later than the conclusion of the proceedings against the defendant in the district court, whether through dismissal of the charges against the defendant or the sentencing of the defendant, the defendant shall return the Electronic Device to his counsel, who will promptly provide it to the Administrative Office of the U.S. Courts if it was purchased with CJA funds.

Dated: November 9, 2022
White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 34.

Respectfully submitted,

JAMES BAZEMORE
The Defendant,

By: /s/ Matthew D. Myers

Myers & Galiardo, LLP

52 Duane Street-7th Fl.

New York, NY 10007

(212)-986-5900